

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TTD/TTY No. (415) 554-5227

**ORDER OF DETERMINATION
March 2, 2018**

DATE ISSUED
February 7, 2018

CASE TITLE – Ann Treboux v. Kate Patterson and the Arts Commission
(File No. 17089)

FACTS OF THE CASE

The following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 17089: Complaint filed by Ann Treboux against Kate Patterson and the Arts Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On August 22, 2017, the Complaint Committee (Committee) acting in its capacity to hear petitions/complaints heard the matter and referred it to the SOTF for hearing.

Ann Treboux (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Treboux stated that she has not received the requested documents and is not satisfied with the reason the documents were withheld. Kate Patterson, Arts Commission (Respondent), provided summary of the department's position. Ms. Patterson stated that the Office of the City Attorney was consulted and the Arts Commission was advised that the requested records did not need to be disclosed due to attorney client privileged. Ms. Patterson stated that the investigation is ongoing and that Ms. Treboux was informed of the reason for withholding the records in a timely manner.

On February 7, 2018, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Ann Treboux (Petitioner), provided a summary of the complaint and requested the SOTF to find violation. Ms. Treboux stated that no records have been provided. There were no speakers on behalf of the Petitioner. Rebekah Krell, Arts Commission (Respondent), provided a summary of the department's position which was provided in writing. Ms. Krell stated that the investigation

process is confidential and that the Office of the City Attorney was consulted on the matter. There were no speakers on behalf of the Respondent. A question and answer period occurred. The Petitioner and Respondent were provided an opportunity for rebuttals.

Member Cannata summarized that the only request that appears to be in question is the August 1, 2017, request and that due to an ongoing investigation the documents were withheld without providing a legal statute for the withholding. The SOTF noted that the Arts Commission did not provide specific statutes.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented the SOTF found a violation Administrative Code (Sunshine Ordinance), Sections 67.21(d).

ORDER OF DETERMINATION

Member Cannata, seconded by Chair B. Wolfe, to find that Kate Patterson and the Arts Commission violated Administrative Code (Sunshine Ordinance), Section 67.21(d), by failing to respond to a public records request in a complete manner.

The motion PASSED by the following vote:

Ayes: 7 – J. Wolf, Tesfai, Maass, Cannata, Fischer, Hinze, B. Wolfe

Noes: 0 – None

Absent: 1 – Chopra

Excused: 2 – Eldon, Hyland



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

- c. Ann Treboux (Petitioner/Complainant)
Kate Patterson, Arts Commission (Respondent)